

ZELMA VIDDAURRI,
Plaintiff,
v.
MICHAEL J. ASTRUE,
Commissioner, Social Security Administration,
Defendant.

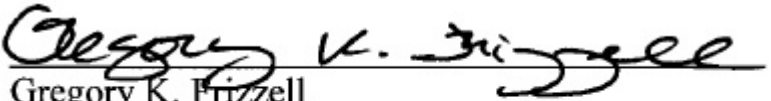
Before the court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Frank H. McCarthy. (Dkt. #30). No objections were filed to the R&R. The Magistrate Judge recommends that plaintiff Zelma Viddaurri (“Viddaurri”) be awarded fees for legal work totaling \$3,911.00 (Three thousand, nine hundred and eleven dollars and zero cents) under the Equal Access to Justice Act. 28 U.S.C. § 2412. The parties agree that such an award is proper.

The court has reviewed the R&R and finds that an award in the amount of \$3,911.00 is appropriate. The Report and Recommendation of the Magistrate Judge (Dkt. #30) is accepted and adopted here by reference.

The court orders that Viddaurri be awarded attorney fees pursuant to 28 U.S.C. § 2412 in the total amount of \$3,911.00 to be paid by the Commissioner of the Social Security Administration, subject to offset for debts to the federal government. The fee shall be made payable to Viddaurri and sent to her attorneys at Troutman & Troutman, P.C., 1350 S. Boulder, Suite 410, Tulsa, OK 74119. Troutman will reimburse Viddaurri the smaller of either the EAJA

award that is paid to the attorney or any subsequent award under 42 U.S.C. § 406(b), should one ultimately be authorized and paid. *See Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 4th day of February, 2011.


Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma